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OLC: 78-0399/136
6 December 1978

Mat furn

MEMORANDUM FOR: [REDACTED]
Center for Study of Intelligence/OTR
FROM: [REDACTED]
Assistant Legislative Counsel/OLC
SUBJECT: Attached Draft

1. Per your request, I have reviewed the attached draft.
2. I would like to point out that with regard to two topics you have raised, the Executive Branch is presently deliberating in the context of Title II of the Charter Legislation - what the Administration positions with regard thereto will be. I am referring to:

--the standard against which the intelligence agencies should be able to collect against U.S. persons, in the U.S. and abroad; you make reference to such an issue in the last sentence on Page 164 of your draft - the sentence beginning "Also in the area of civil rights...";

--on Page 106, your discussion of special activity and the "significant national interest" test advocated therein; this also is a major issue currently being decided.

3. With regard to both such topics, you would do well to keep an ear tuned to the outcome of the present deliberations of which I have spoken to you at length. Once such decisions are made, you may want to review your draft in that light. I will keep you informed of any decisions that are made with regard to either issues. Otherwise, I find nothing else in your draft which "might be at variance with present and prospective executive and legislative provisions and understandings."

Attachment

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